

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 18th day of June, 2007 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor
Jay Attaway, Mayor Pro Tempore
Frank Hametner, Council Member
Vickie Abrego, Council Member
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Mike Sullinger, Interim City Manager
Allen Lawrence, City Attorney
Ada Owens, City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT: None

STAFF PRESENT: Darren Gurley, Public Works Director
Gilbert Ritz, Fire Chief
Frank Truitt, City Inspector

OTHERS PRESENT: Rosemary Vega (Chamber of Commerce), Lu & Ralph Arcemont, John Michael (NEI), Arturo Acuna (NEI), Raymond Rogers, Connie Rogers, Laura Simank, D. Allibone, Alpha & Jim Covington, Allen & Gloria Milton, Gene & Pat Gralan, Patrick J. Carlyn, Sherri Smithwick, Don & Jeanie Brummett, Luke Smithwick, Noah Smithwick, Michael Ladewig, Manuel Buentello, Jane Fewless, Margaret Garrett, Leonard Koerth, Robert Koerth, Harlan & Elizabeth Roberts, Rita Brown, Robert Cohen, Patty Gilden, Rosemary Upton, Rudy Abrego, Maryanne Tiemann, Sandy Surgart, Susan Otespat, Linda Bilderbach, Grace Chapa, Rose Ramos, Heather Martinez, Nancy & Don Schoenfeld, Elizabeth Parker, Ann P. Milton, Eva Young

(There may have been others present who did not sign in.)

ITEM 1. CALL MEETING TO ORDER.

Mayor Knight called the meeting to order at 7:00 p.m. on June 18, 2007.

ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Council Member Abrego gave the Invocation. Mayor Knight led the Pledge of Allegiance to the United States Flag.

ITEM 3 SWEARING IN AND SEATING OF NEWLY APPOINTED COUNCIL MEMBER KAREN MAYER.

City Attorney Allen Lawrence swore Ms. Karen Mayer in as Council Member Place 2 and Council Member Mayer was seated.

The Council welcomed Council Member Mayer.

ITEM 4. CONSENT AGENDA – “All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”.

- A. Approval of Minutes of June 4 and June 5, 2007.
- B. Consider and Act on Approving final change order on Ransom & Goodnight Lift Stations and Force Mains Improvements.

Mayor Pro Tempore Attaway made the motion to approve the Consent Agenda. Council Member Hametner seconded the motion and the motion carried unanimously.
- C. Consider and Act on Approving Resolution 2007-587 Accepting the Ransom and Goodnight Lift Stations.

After discussion concerning an outstanding invoice for electrical work on the lift stations, Council Member Hametner made the motion to approve acceptance of the Ransom and Goodnight Lift Stations subject to payment of all debts by the contractor.

ITEM 5. DISCUSSION REGARDING REQUEST OF MARYANN TIEMANN TO ESTABLISH A MAYOR'S COMMITTEE FOR PEOPLE WITH DISABILITIES AND MAYOR'S ADVISORY COMMITTEE FROM COUNCIL MEMBER ABREGO.

Ms. Maryann Tiemann explained her concerns regarding the disabled in the City and offered ideas that would help them, such as using the siren as an early warning system to warn of storms and evacuation. Ms. Tiemann stated she had started the Blind Leaders organization for the area and wanted to start a committee to help the disabled and cited her experience and accomplishments in helping disabled persons through committees.

After discussion, the consensus was to put the committee for the disabled, headed by Ms. Tiemann, under the Mayor's Advisory Committee chaired by Council Member Vickie Abrego.

ITEM 6. CONSIDER AND ACT ON AWARDED BID FOR GILLESPIE LANE WATER AND WASTEWATER IMPROVEMENTS.

Mr. John Michaels with Naismith Engineering stated the City now owned all right-of-ways for the Gillespie Lane water and wastewater project. He stated he had received three bids for the project, the lowest of which was Perry Construction.

Mr. Michaels explained that the planned wastewater expansion on Gillespie Lane could be extended to Wheeler Street for future businesses on Wheeler Street when the lines were being laid for Gillespie Lane. Mr. Michaels also explained that constructing a full lift station instead of a grinder station would save money because, at some point, a full lift station would have to be constructed for the wastewater lines. He recommended approving the bid of Perry Construction for \$290,708.95 which included the expansion and a full lift station.

Discussion followed regarding the advantages of expanding the sewer line to and down Wheeler Street for future businesses.

Public Works Director Darren Gurley stated he had bond money that could be used to pay the extra \$45,000.00 the expansion for the project would cost.

Council Member Hametner made the motion to award the bid for the Gillespie Lane Water and Wastewater Improvements to Perry Construction for \$290,708.95. Council Member Abrego seconded the motion and the motion carried unanimously.

ITEM 7. CONSIDER AND ACT ON RELEASING HAROLD WEBSTER FROM HARBOR LEASE 2000-003 AND APPROVING ASSUMPTION OF THE HARBOR LEASE BY ROBERT COHEN.

After discussion, Mayor Pro Tempore Attaway made the motion to release Mr. Harold Webster from Harbor Lease 2000-003 and approve assumption of Harbor Lease 2000-003 by Mr. Robert Cohen. Council Member Hametner seconded the motion and the motion carried unanimously.

ITEM 8. REPORT AND UPDATE ON SHRIMPOREE FROM CHAMBER OF COMMERCE.

Ms. Rosemary Vega with the Chamber of Commerce thanked the City departments and employees for their assistance with the Shrimporee.

Ms. Vega reported the Chamber would be planning cost cuts and improvements for next year's Shrimporee. She stated the non-profit organizations made \$94,000.00 from their Shrimporee sales.

Ms. Vega stated the temporary electric cost for the Shrimporee was \$25,000.00, the pavilion tent cost was \$8,000.00 and the Chamber would like to meet with the City regarding installing permanent lighting and a permanent pavilion on the Shrimporee grounds. She stated the Chamber had established a webpage for the Aquatics Center.

Mr. Rudy Abrego stated former City officials had decided not to install permanent lighting at the Shrimporee grounds in the past. He stated there are three transformers at the site and AEP could install two meter loops per transformer and installing the permanent meter loops would benefit other non-profit organizations also. He stated the estimated cost for installing permanent electric service was \$20,000.00 to \$30,000.00. Mr. Abrego stated he always thought the Johnson park area was primary for recreation activity and thought the City should consider hiring a Parks and Recreation Director.

Council Member Abrego asked was the Chamber asking the City to pay for installing electric service at the Shrimporee grounds or were they looking for grants?

Ms. Vega stated the Chamber was looking for grants, but even if the Chamber had to incur the whole cost, it would be less than the cost of temporary power.

ITEM 9. CONSIDER AND ACT ON APPOINTMENT OF COUNCIL MEMBER TO THE MEMORIAL COMMISSION.

Council Member Mayer stated she had volunteered for appointment to the Memorial Commission.

Council Member Hametner made the motion to appoint Council Member Mayer to the Memorial Commission. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 10. PUBLIC HEARING ON REQUEST OF DON SCHOENFELD TO REZONE LOTS 14, 15 AND 16, BLOCK 576L, 561 S. ARCH, MACKEYS ADDITION TO GENERAL BUSINESS. THE PROPERTY IS ZONED RESIDENTIAL (R-7A).

City Attorney Allen Lawrence opened the public hearing at 7:36 p.m on the request of Don Schoenfeld to rezone Lots 14, 15 and 16, Block 576, 561 S. Arch, Mackeys Addition from Residential to General Business. Mr. Lawrence stated all proper notices were given and there had been no opposition to the request. The Planning and Zoning Commission met on May 29, 2007 and have recommended approval.

Mr. Don Schoenfeld stated the property was zoned General Business when he bought it and built a building on the property. The property was then rezoned to Residential and for insurance purposes the property must be zoned General Business.

Mr. Lawrence asked was there was anyone present opposed to the application? Seeing none the City Attorney closed the public hearing at 7:38 p.m. and recommended approval of the request.

ITEM 11. CONSIDER AND ACT ON REQUEST OF DON SCHOENFELD TO REZONE LOTS 14, 15 AND 16, BLOCK 576L, 561 S. ARCH, MACKEYS ADDITION TO GENERAL BUSINESS. THE PROPERTY IS ZONED RESIDENTIAL (R-7A).

Council Member Hametner made the motion to approve the request of Don Schoenfeld to rezone Lots 14, 15 and 16, Block 576, 561 S. Arch, Mackeys Addition from Residential to General Business. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

ITEM 12. PUBLIC HEARING ON REQUEST OF LEONARD KOERTH FOR A CONDITIONAL USE PERMIT TO OPERATE A TATTOO STUDIO BUSINESS AT LOT 3, BLOCK 550, 305 S. COMMERCIAL, ARANSAS PASS, TEXAS. THE PROPERTY IS ZONED GENERAL BUSINESS.

City Attorney Allen Lawrence opened the public hearing at 7:39 p.m on the request of Mr. Leonard Koerth for a Conditional Use Permit to operate a tattoo studio business at Lot 3, Block 550, 305 S. Commercial, Aransas Pass, Texas. Mr. Lawrence stated the Planning and Zoning Commission met on May 29, 2007 and have recommended approval on the conditions that the hours of operation be 11:00 a.m. to 8:00 p.m. and the Conditional Use Permit be good for six months.

Mr. Leonard Koerth stated he had lived in the area since 1970 and wanted to open the tattoo business that he had put most of his life savings into. He stated it would be a nice, clean business without any problems, such as loitering.

Mr. Lawrence asked if Mr. Koerth had any problem with the proposed hours of operation.

Mr. Koerth stated his potential customers, such as construction workers, did not get off work until 7:00 p.m. He stated some of the neighboring businesses are open until 9:30 p.m. and he would like to stay open on Friday and Saturday nights until 9:30 p.m.

Council Member Hametner asked what kind of store front had Mr. Koerth planned?

Mr. Koerth stated the building looked good now. He stated the lettering on the window would be the name of the business and the tattoo artists names. He stated above the red trim on the building he would put the word "tattoo."

Mayor Pro Tempore Attaway asked would the business be open seven days a week.

Mr. Koerth stated yes.

Mr. Lawrence asked was there was anyone present who was opposed to the request?

Ms. Laura Simank stated she was the vice-chair of the Planning and Zoning Commission and was the only dissenting vote on the Commission. She stated the community had worked for a very long time to clean up downtown Aransas Pass and a tattoo studio there would be taking two steps back.

The City Attorney declared the Public Hearing closed at 7:44 p.m.

Council Member Hametner stated he would like the front of the tattoo studio to look more like a clinic or professional office.

Mayor Pro Tempore Attaway made the motion to approve the request of Leonard Koerth for a Conditional Use Permit to operate a tattoo studio business at Lot 3, Block 550, 305 S. Commercial for six months starting after the receipt of the tattoo studio's State Permit and the hours of operation be from 11:00 a.m. to 8:00 p.m. Council Member Hametner seconded the motion and the motion carried unanimously.

After discussion, Council Member Hametner made the motion to accept the bid of Hynes Services in the amount of \$13,286.24 for the installation of a new roof on the Ed & Hazel Richmond Public Library. Council Member Abrego seconded the motion and the motion carried unanimously.

A. 2007-584-Gallagher, Inc., 115' by 100' adjoining Lot 9, Block 5, Aransas Pass
B. 2007-585-Triple R Properties, Lots 1-2, Land Block B, Burton & Danforth
C. 2007-586-Gallagher, Inc., Lot 3, Block 749, Aransas Pass

Council Member Hametner made the motion to approve the tax resales.

After discussion, Council Member Hametner amended his motion to approve Resolutions 2007-584, Resolution 2007-585, and Resolution 2007-586 authorizing the tax resale of 115' by 100' adjoining Lot 9, Block 5 to Gallagher, Inc., Lots 1-2, Land Block B, Burton & Danforth to Triple R Properties, and , Lot 3, Block 749 to Gallagher, Inc. subject to the payment of any and all liens to the City of Aransas Pass. Mayor Pro Tempore Attaway seconded the motion and the motion passed 4 to 1 with Mayor Knight abstaining because he is employed by one of the involved parties of the tax resale.

Mr. Sullinger stated the budget amendments before the Council were:

1. The return of \$9,130.00 for sewer extension deposit payment for 221 Gile St. to Ms Odelia Lopez.
2. The payment of the water audit shortfall that was budgeted last year, paid to JBS Associates.
3. Settlement of a court case for \$32,500.00 paid to Bill Yost/Electrotex.
4. Severance pay of \$16,386.82 paid to former City Manager Scott Thompson.

Ms. Grace Chapa stated she had sent letters requesting funding for a skate park to the Coastal Bend Foundation, who replied they were not interested at this time because the City Council had not finalized the project. Ms. Chapa stated the Overbid Committee was not interested because all their money goes to the library, but according to the State Tax return, Overbid money can be used for recreational purposes in the City. She had written a request to the Women's Club but had not heard back from them. She had called Mr. Aaron Jayne, Temple of Praise Church, who was willing to give money, but had not heard back from him either.

